

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 3, 2003

DIVISION TWO

B162373 People (Not for Publication)
v.
Degol

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B166516 People (Not for Publication)
v.
Cardona

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B166727 People (Not for Publication)
v.
Smith

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B155574 People
 v.
 Grassini

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B161499 Mickael H. Stahle (Not for Publication)
B164039 v.
 Network Solutions, Inc.

The trial court's order dated July 17, 2002, denying Stahle's motion for class certification is affirmed (B161499). The trial court's order dated November 15, 2002, granting NSI'S motion to dismiss Stahle's CLRA claim is affirmed (B164039). NSI is awarded costs on both appeals. However, in order to clarify and correct the record in No. B164039, we remand this matter to the trial court with directions to vacate its order granting summary adjudication and to enter instead an order granting summary judgment, nunc pro tunc.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B163502 People (Not for Publication)
 v.
 Tremaine Michael Bailey

The judgment is affirmed, except that Bailey's sentence is vacated and the matter is remanded for resentencing and further proceedings consistent with this opinion. The trial court is directed to prepare an amended abstract of judgment and forward same to the Department of Corrections.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

December 3, 2003 (Continued)

DIVISION THREE (Continued)

B139859	Franciscan Hill Homeowners Association, et al. (Not for Publication)
B141944	v.
B144787	The Newhall Land and Farming Company
B148634	

The judgment on special verdict is reversed. The judgment of nonsuit, and order for direct verdict are affirmed. This matter is remanded for a new trial consistent with the views expressed herein (B141944). The order dated May 30, 2000, denying fees to Newhall is reversed (B141944), and the order dated January 9, 2001, awarding reasonable fees to ACC,NVP, and WJC (B148634) is reversed, and remanded for consideration consistent with the views expressed herein. The order of dismissal entered on January 7, 2000, dismissing the individual condominium owners' claims (B139859) is reversed, and remanded for further proceedings consistent with the views expressed herein. The appeal by HOA from the order denying it prejudgment interest (B144787) is dismissed as moot. Newhall is awarded its costs on appeal in B149144 and B148634. The individual condominium owners are entitled to costs on appeal in B139859.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B162061 Ratner (Not for Publication)
v.
Hecht et al.

The judgment and post trial orders are affirmed. Costs and attorney fees on appeal are awarded to respondent.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

December 3, 2003 (Continued)

DIVISION FOUR (Continued)

B164830 Severino (Not for Publication)

$$\mathbf{V}_i$$

Pacific View Estates Homeowners Association

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

B158187 Rosner (Not for Publication)

V.

Rosner

The judgment is reversed in part and remanded with orders to calculate the amount of reimbursement Leland is entitled to for the gift to the community of the condominium. In all other respects the judgment is affirmed. Each party is to bear their own costs.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

B164497 People (Not for Publication)

V.

Denbigh A. Rudan, Jr.

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.

Curry, J.

December 3, 2003 (Continued)

DIVISION FOUR (Continued)

B160421 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B162012 People (Not for Publication)
v.
Greenlee

The abstract of judgment is modified to strike the two one-year enhancements imposed under section 667.5, subdivision (b). As modified, the judgment of conviction is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B166637 Peo v. Raymond N.
B161835 Digivision Productions v. M2 Software

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B163496 People
 v.
 Sadae Schmidt

Merits:
Argued by Edward J. Haggerty for appellant and by Robert Breton, deputy attorney general, for respondent. Cause submitted.

B167189 People
 v.
 Eric Hamilton

Merits:
Argued by Shirley Sun, deputy district attorney, for appellant and by Douglas Benedon for respondent. Cause submitted.

B158824 Superior Gunitite
 v.
 Ralph Mitzel, Inc.

Merits:
Argued by Thomas Paul Seltz for appellant and by Superior Gunitite for respondent. Cause submitted.

B164587 People
 v.
 Ronald Milligan

Merits:
Argued by Vanessa Place for appellant and by Robert T. Breen, deputy attorney general, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B167788 Los Angeles County, D.C.S.
 v.
 Rosana C.
 In re Jessica C.

Merits:

Argued by Leslie A. Barry for appellant and by Sterling Honea, deputy county counsel, for respondent. Cause submitted.

B164006 Daniel Thompson
 v.
 ImPaxx, Inc., et al.

Merits:

Argued by Craig Brent Byrnes for appellant and by Teresa A. Wills for respondents. Cause submitted.

Court recessed at 10:50

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B170185 Peo v. Brownlow
B164705 Peo v. Onofre & Montejo
B162518 Peo v. Meeks
B165332 Peo v. Fielder
B167577 DCF v. Jennifer O.
B164562 Peo v. Arellano
B163491 Peo v. Alvarez
B163120 Standmore v. Sonora Manufacturing, Inc., et al.

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B165664 Nicholas Benetic
 v.
 County of Los Angeles

Merits:
Argued by Nicholas Benetic appellant in propria persona and by Derrick M. Au, deputy county counsel, for respondent. Cause submitted.

B162518 People
 v.
 Brandon Meeks

Merits:
Argued by Benjamin Brin for appellant and by Alan D. Tate, deputy attorney general, for respondent. Cause submitted.

B169490 People
 v.
 Dwayne Jenkins

Merits:
Argued by Marilee Marshall for appellant and by Robert Breton, deputy attorney general, for respondent. Cause submitted.

B161644 Ronald Gallegos
 v.
 Chalmers Corp., et al.

Merits:
Argued by Gerald Silver for appellant and by John D. Guerrini for respondents. Cause submitted.

B167713 Mitra Mehr
 v.
 Parviz Mehr

Merits:
Argued by Valerie C. Whitworth for appellant and by Jeffrey Bradpiece for respondent. Cause submitted.

DIVISION FIVE (Continued)

B157492 John Williams
 v.
 Karen Sparks, et al.

Merits:
Argued by Reginald P. Burgess for appellants and by L'tanya Butler for
respondent. Cause submitted.

Court adjourned at 2:20 p.m.

DIVISION SIX

B163553 Franklin (Not for Publication)
 v.
 Carrows Restaurants

The judgment is affirmed. Respondent shall recover costs.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B159280 Holmberg (Not for Publication)
 v.
 J.F. Shea Co., Inc.

Filed order modifying opinion and denying petition for rehearing. (No
change in judgment.)

December 3, 2003 (Continued)

DIVISION SEVEN

B160886 People (Not for Publication)
v.
Sheard, et al.

As to each appellant, the judgment is modified to strike the one-year sentence enhancements for use of a deadly weapon on the robbery and burglary convictions and to strike the parole revocation fine. As modified the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B162567 Torres, et al. (Not for Publication)
v.
LA County Metropolitan Transportation Authority

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B166053 Spelling
B169466 v.
 Bilow

Filed order consolidating above captioned appeals.